

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 9074 - SB 9011

October 28, 2021

SUMMARY OF ORIGINAL BILL: Requires the Attorney General and Reporter (AG) to seek a writ of mandamus or injunction from a court of competent jurisdiction to compel a public official who knowingly refuses to enforce and execute the orders and rules issued in an emergency to do so. Requires the AG to seek a civil penalty of no more than \$10,000 for failure to enforce or execute emergency orders and rules and an additional \$1,000 per day that the official refuses to comply with the writ of mandamus or injunction. Establishes that the public official is personally liable for any such civil penalty imposed against the public official.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – To the extent a civil penalty is imposed, there will be an increase in state revenue. The frequency, timing, and amount of any civil penalty revenue is unknown and unable to be estimated with reasonable certainty.

SUMMARY OF AMENDMENT (010297): Adds language to the original bill that defines “public official” as a local board of education or a member of such board.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The AG will petition the court for a writ of mandamus or injunction utilizing existing employees during normal business hours. Any fiscal impact resulting from such requirement is estimated to be not significant.
- To the extent a civil penalty is imposed upon a public official in outlined circumstances, there will be an increase in state revenue. The frequency, amount, and timing of any civil penalty revenue is unknown and unable to be estimated with reasonable certainty.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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